



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

September 7, 2022

Re: FOIA Request NLRB-2022-001777

Dear Braden S Campbell (Law360):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on August 22, 2022, in which you seek the “petition, the employer’s petition statement and any supporting documents, post-hearing briefs filed by any party, the decision and direction of election, any objections to the election, and the region’s decision thereon in *Multivue Inc., d/b/a The Lusty Lady*, Case 20-RC-17173.” You assumed financial responsibility for the processing of your request in the amount of \$37.00. You also requested expedited processing.

We acknowledged your request on August 22, 2022. On August 24, 2022, your request for expedited processing was granted. On September 1, 2022 in a phone call and follow up email with a member of the FOIA Branch staff, you agreed to narrow the scope of your request to only the certification of representation in the requested casefile.

A search was conducted in the Agency’s electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. This search did not locate any responsive records.

Pursuant to the Agency’s record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested case, a further search was made of the list of permanently retained cases maintained by the Agency’s Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that the requested case was not selected for permanent retention.

Notwithstanding the Agency’s record retention and disposition policy, a further search inquiry was made to the Region 20 Office for any paper records which may have been maintained by that office. Staff in that office conducted a search, and that search resulted in the requested record (one page), which is attached.

No information has been withheld from this record. Therefore, your request is granted in full.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Timothy Bearese, the Attorney-Advisor who processed your request, at (202) 273-3752 or by email at Timothy.Bearese@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

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Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (one page)